

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

JESSICA TRUITT,)	
)	
Plaintiff,)	
)	CASE NO. 1:20-cv-00147-JTA
v.)	(WO)
)	
ANDREW SAUL,)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Defendant Commissioner of Social Security's Unopposed Motion for Entry of Judgment and Memorandum in Support. (Docs. No. 17, 18.) The Commissioner requests this court to enter a judgment with a reversal under 42 U.S.C. § 405(g) and remand the cause to the Commissioner for further action. (Doc. No. 18.) The Commissioner asserts that remand is appropriate for "further consideration and administrative action, including consideration of whether medical improvement has occurred as to the severity of Plaintiff's impairments present at the time of the most recent prior favorable disability determination." (*Id.* at 3.)

Sentence four of 42 U.S.C. § 405(g) authorizes the district court to "enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g). The district court may remand a case to the Commissioner for a rehearing if the court finds "either . . . the decision is not supported by

substantial evidence, or . . . the Commissioner or the ALJ incorrectly applied the law relevant to the disability claim.” *Jackson v. Chater*, 99 F.3d 1086, 1092 (11th Cir. 1996).

Here, the court finds reversal and remand necessary as the Commissioner concedes reconsideration and further development of the record is in order. Moreover, Plaintiff does not oppose the motion. (Doc. No. 17.) Further, pursuant to 28 U.S.C. § 636(c)(1) and Rule 73 of the Federal Rules of Civil Procedure, the parties have consented to the full jurisdiction of the undersigned United States Magistrate Judge. (Docs. No. 7, 8.)

Accordingly, pursuant to 42 U.S.C. § 405(g), it is hereby

ORDERED as follows:

1. The Unopposed Motion for Entry of Judgment (Doc. No. 17) is hereby GRANTED.
2. For the reasons set forth in the motion and memorandum in support (Docs. No. 17, 18) and in this Order, the decision of the Commissioner is hereby REVERSED and this case is hereby REMANDED to the Commissioner for further proceedings.

A separate final judgment will issue.

DONE this 8th day of October, 2020.

/s/ Jerusha T. Adams

JERUSHA T. ADAMS

UNITED STATES MAGISTRATE JUDGE